

## **MINUTES**

### **REGULAR MONTHLY MEETING BOARD OF COSMETOLOGY AND HAIRSTYLING 124 HALSEY STREET - 6TH FLOOR NEWARK, NEW JERSEY 07102 NOVEMBER 10, 2015**

#### **PUBLIC SESSION**

#### **I CALL TO ORDER**

The regular monthly meeting of the Board of Cosmetology and Hairstyling was called to order at 9:30 a.m.

##### **Roll Call:**

Ms. Janice Alvarez, Mr. John Ford, Mr. Peter Macri, Ms. Corby Marie Pascucci, Mr. Joseph Santagata, Mr. Jay A. Malanga, Executive Director and Ms. Barbara Ambroise, Program Development Assistant were present. Ms. Frances Tomeo and Mr. Jerry Speziale were absent.

##### ***Also in Attendance:***

Ms. Marisol Rodrigues, Office Supervisor, Ms. Yolanda Morales, Principle Transcriber, Ms. Carol Ann Rotondo, Paralegal, Ms. Susan Rischawy, Government Representative and the Board's counsel.

#### **II OPEN PUBLIC MEETINGS ACT**

The Chair announced that the time, date and location of the meeting was listed in the Annual Notice Schedule. The Annual Notice Schedule was mailed to Ms. Kim Guadagno, Secretary of State, and the Asbury Park Press, Bergen Record, Newark Star-Ledger and Trentonian Newspapers on December 17, 2014, and was posted in the Office of the Board of Cosmetology and Hairstyling on December 17, 2014 was posted in the Office of the Board of Cosmetology and Hairstyling on December 17, 2014.

#### **III APPROVAL OF MINUTES (OPEN & CLOSED)**

Upon motion made by Mr. Joseph Santagata and seconded by Mr. John Ford, the Executive Director's report, Committee reports, and Minutes of the regular monthly meeting held October 13, 2015 are accepted as read. The motion passed unanimously.

#### **IV PUBLIC PARTICIPATION SESSION**

Ms. Darlene Fox, Director of Artistic Academy thanked the Board for listening to the petition for rule making last month and that she appreciated seeing it on the agenda.

#### **V EXECUTIVE DIRECTOR'S ANNOUNCEMENTS**

Mr. Malanga made a call to Mr. Jerry Speziale, Board member on Agenda item number 1. Ms. Corby M. Pascucci and Ms. Janice Alvarez recused themselves.

#### **VI FOR BOARD CONSIDERATION**

1. Petition for Rulemaking to amend N.J.A.C. 13:28-1A.1 and 13:28-6.27 was presented to the Board for consideration.

Upon motion made by Ms. Angela Pantaleone and seconded by Mr. Peter Macri, the Board will amend the Regulation, the cost of material regular information. The matter will be filed with the Department of Law Notice of Administration Act. The motion passed unanimously.

2. Existing rules expire on April 23, 2016. Board to vote to readopt the existing rules without change was presented to the Board for consideration.

Upon motion made by Mr. John Ford and seconded by Ms. Angela Pantaleone, the Board readopt the existing rules without any change. The motion passed unanimously.

3. Recommendation to amend and to propose new regulations: Proposed Amendments: N.J.A.C. 13:28-1A.1;3.3;4.4, Proposed New Rule: N.J.A.C. 13:28-3.7 was presented to the Board for consideration.

Upon motion made by Ms. Corby M. Pascucci and seconded by Mr. Joseph Santagata, the Board propose new regulations. The motion passed unanimously.

Mr. John Ford abstained from voting.

N.J.A.C. 13:28-3.7

Upon motion made by Ms. Angela Pantaleone and seconded by Mr. Joseph Santagata, the Board accepts the proposal. The motion passed unanimously.

4. A list of new student start dates for 2016 submitted by Ms. Patricia Martini, Dean of Schools, Capri Institute Cosmetology Training Centers, 660 No. Michigan Avenue, Kenilworth, New Jersey 07033 was presented to the Board for consideration.

Upon motion made by Mr. John Ford and seconded by Ms. Angela Pantaleone, the Board approves the list of new students start dates for 2016. The motion passed unanimously. The motion passed unanimously.

5. Correspondence received from Ms. Lavelle A. Saunderson, t/a The Weave Shop, Post Office Box 1792, Linden, New Jersey in connection with the penalty assessed against her in the amount of \$700.00 for the alleged violation resulting out of an inspection of her shop on June 8, 2015 was presented to the Board for consideration. She has indicated that she would like to waive her right to a hearing but has furnished a written explanation for the Board to consider before rendering its final decision.

Upon motion made by Ms. Corby M. Pascucci and seconded by Mr. Joseph Santagata, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The full payment of \$700.00 shall be made within thirty (30) days from the date of the Final Order and in the event he fails to make a timely payment, a Certificate of Debt shall be filed in accordance with N.J.S.A. 45:1-24. The motion passed unanimously.

6. Correspondence received from Mr. Hwi Joon Park & Ms. Mi Sook Park-Kim, t/a Diva Nails NJ LLC, 180-182 Kingsland Street, Nutley, New Jersey in connection with the penalty assessed against them in the amount of \$1,150.00 for the alleged violation resulting out of an inspection of their shop on August 14, 2014 was presented to the Board for consideration. They have indicated that they would like to waive their right to a hearing but have furnished a written explanation for the Board to consider before rendering its final decision.

Upon motion made by Ms. Angela Pantaleone and seconded by Ms. Corby M. Pascucci, the Board needs to verify with the Enforcement Bureau whether the person was practicing Cosmetology and Hairstyling or not and the other two(2) fines stand. The motion passed unanimously.

7. Correspondence received from Mr. Joseph A. Corbo, Jr. Vice President, Borgata Hotel Casino & Spa, 1 Borgata Way, Atlantic City, New Jersey in connection with the penalty

assessed against him in the amount of \$1,000.00 for the alleged violation resulting out of an inspection of his shop on July 2, 2015. He has indicated that he would like to waive his right to a hearing but has furnished a written explanation for the Board to consider before rendering its final decision.

Upon motion made by Mr. John Ford and seconded by Mr. Peter Macri, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The full payment of \$1,000.00 shall be made within thirty (30) days from the date of the Final Order and in the event he fails to make a timely payment, a Certificate of Debt shall be filed in accordance with N.J.S.A. 45:1-24. The motion passed unanimously.

8.. **REINSTATEMENT OF LICENSES IMO:**

- Francia Rosario

Upon motion made by Ms. Angela Pantaleone and seconded by Mr. Joseph Santagata, the Board allows Ms. Rosario to reinstate her license. The motion passed unanimously.

- Tara Michelle Kaltnekar

Upon motion made by Ms. Angela Pantaleone and seconded by Mr. Joseph Santagata, the Board allows Ms. Kaltnekar to reinstate her license. The motion passed unanimously.

- Molly C. Burke

Upon motion made by Ms. Angela Pantaleone and seconded by Mr. Joseph Santagata, the Board will allow Ms. Burke to sit for examination. The motion passed unanimously.

- Candice R. Distano

Upon motion made by Ms. Angela Pantaleone and seconded by Mr. Joseph Santagata, the Board will allow Ms. Distano to reinstate her license. The motion passed unanimously.

- Joshua A. Falborn

Upon motion made by Mr. John Ford and seconded by Ms. Angela Pantaleone, the Board is requesting additional information from his criminal arrest, letter from Veterans Affairs explaining his hardship. The motion passed unanimously.

- Lisa A. Fribence

Upon motion made by Ms. Angela Pantaleone and seconded by Mr. John Ford, the Board is requesting Ms. Fribence to sit for the examination. The motion passed unanimously.

- Laurie J. Kempe

Upon motion made by Ms. Angela Pantaleone and seconded by Mr. John Ford, the Board is requesting Ms. Kempe to sit for the examination and cease and desist from practicing in an unlicensed practice. The motion passed unanimously.

- Jose Angel Lazo

Upon motion made by Ms. Angela Pantaleone and seconded by Mr. John Ford, the Board is requesting Mr. Lazo to sit for the examination. The motion passed unanimously.

- Lauren M. Greed

Upon motion made by Ms. Angela Pantaleone and seconded by Mr. John Ford, the Board is requesting Ms. Greed to sit for the examination. The motion passed unanimously.

- Anita Tapia

Upon motion made by Mr. John Ford and seconded by Mr. Peter Macri, the Board is requesting Ms. Tapia to sit for the examination. The motion passed unanimously.

- Luis E. Tapia

Upon motion made by Mr. John Ford and seconded by Mr. Peter Macri, the Board is requesting him for sit for the examination. The motion passed unanimously.

9. **Disciplinary Matters Pending Conclusion by Default Orders:**

The UPLs were issued and no written responses from Respondents have been received by the Board to date. These matters were subject to finalization fifteen (15) business days after issuance of Notice of Intent to File Default Order. The Certificate of Service is attached for Board review.

The Attorney General seeks to issue Final Decision and Default Order on UPL for each of the following IMO:

- 2. Peter Lu – t/a Saigon Nails – License No.: 32WM00248400
- 4. Tham Lee – Individual – License No.: None
- 6. Ha Nguyen – Individual – License No.: None
- 8. Joesph Ciafullo – Individual – License No.: None
- 10. Eric Dudley – t/a E’s Gifted Hands – License No.: None

Upon motion made by Mr. John Ford and seconded by Mr. Joseph Santagata, the Board directed that a Final Decision and Default Order on UPL be issued on these matters. The motion passed unanimously.

#### 10. Administrative Closure

The following Uniform Penalty Letters (UPLs) and Notice of Intent to File Default Orders (Notices) are recommended for administrative closure due to being returned to the Board for the following reasons: unclaimed, incorrect address, no forwarding address for the business or licensee, no information, or shop closure, were presented to the Board for consideration.

License Name	License #	UPL Issued	Date of Inspection	Total Penalty Amount
Ngoc Bich Doan	None	December 9, 2014		\$300.00
Jerald Williams	None	March 5, 2015		\$300.00
Rosalia Herlinda Gonzalez-Gomez	None	March 11, 2015		\$300.00
Norma Estella	None	July 5, 2012		\$300.00
Radikha Citel	None	March 11, 2015		\$300.00

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Upon motion made by Mr. John Ford and seconded by Ms. Angela Pantaleone, the Board recommends all these matters for administrative closure. The motion passed unanimously.

## **VII OLD BUSINESS**

## **VIII NEW BUSINESS**

### **Committee Reports**

No reports were given.

## **IX EXECUTIVE SESSION**

The Board adjourned the Public Session and moved to the Executive Session for advice of counsel and review of open matters (investigations and deliberations). When and if action is taken, it will be reported in Public Session.

## **X ADJOURNMENT**

Upon motion made by Mr. John Ford and seconded by Ms. Angela Pantaleone, the meeting was adjourned at 3:00 P.M.. The motion passed unanimously.

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JANICE ALVAREZ, Board Chairperson

Countersigned:

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JAY A. MALANGA, Executive Director